

LSK&D #: 250-0167 / 4817-4424-8786
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HAMID KAABIANPOUR,

Plaintiff,

-against-

Docket No.:

NOTICE OF REMOVAL

LUIS A. BATISTA and FEDERAL EXPRESS
CORP.,

Defendants.

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Defendants allege as follows for their notice of removal:

1. On or about October 21, 2020, Plaintiff Hamid Kaabianpour filed a complaint, **Exhibit A** hereto, in a civil action for money damages in New York Supreme Court, Bronx County, under index no. 32293/2020.

2. Defendants served an answer to the complaint on or about November 13, 2020, **Exhibit B**.

3. This action is removable to this court under 28 U.S.C. §1441, in that the amount in controversy exceeds the sum of seventy five thousand dollars (\$75,000.00), exclusive of interest and costs, the citizenship of the parties is completely diverse, and this notice is filed within 30 days of defendants' receiving a response to their Demand for Damages.

4. Plaintiff was and is a citizen of Secaucus, New Jersey when this action was commenced and, upon information and belief, at the filing of this notice.

5. Defendant Federal Express Corporation is a Delaware Corporation having its principal place of business in Memphis, Tennessee.

6. Defendant Luis A. Batista is a resident of Bronx County, New York.

7. The allegations above as to defendants' citizenship were true when the action was commenced and are true when this notice is filed.

8. Neither the Summons nor the Complaint states the amount plaintiff demands as damages. Defendants received plaintiff's response to Demand for Damages on November 16, 2020, showing that plaintiff's demand is \$1,000,000, whereupon the action became removable. The response to Demand for Damages is annexed as **Exhibit C**. This notice is filed within thirty days of receipt of the plaintiff's response to Demand for Damages.

WHEREFORE, Defendants, Federal Express Corporation and Luis A. Batista, pray that this action now pending against them in the Supreme Court of the State of New York, Bronx County, be removed therefrom to this Court.

Dated: New York, New York
November 25, 2020

Yours, etc.

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